

REMARKS

Restriction Requirement

The Examiner has defined two groups and is requiring restriction of the claims to either:

Group I: Claims 1-19, 23-32, and 33 (in part), drawn to a method of treating disorders; or

Group II: Claims 20-22, and 33 (in part), drawn to a method of improving lipid profile in a subject.

Applicant elects Group I with traverse. As the Examiner states, "Inventions are unrelated if it can be shown that they are not disclosed as capable of use together and they have different modes of operation different functions, or different effects." The subject matter of claims 20-22, and 33 (in part) is directed to improving lipid profile, or treating dyslipidemia. People with normal healthy lipid profiles do not need their lipid profiles improved. Thus, Applicant argues that the claims of Group II would fall into the realm of Group I, "methods of treating disorders." Applicant respectfully requests that the Examiner reconsider and withdraw this restriction requirement.

Election of Species

The Examiner has also required an election of species for Group I, stating that it "contains claims to 7 patentably distinct species." Applicant elects as its species "obesity" with traverse. Although distinct, these species are related in the disclosure in such a way (regarding PYY's metabolic effects) that search and examination of the entire application can be made without a serious burden on the Patent Office (see MPEP §803). Applicant maintains that a search and examination of the entire application can be made without a serious burden, and respectfully requests that the election requirement be withdrawn.

The Examiner is invited to call Applicant's undersigned attorney if prosecution will be furthered thereby.

Respectfully submitted,

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